

IN THE UNITED STATES FEDERAL DISTRICT COURT  
FOR THE DISTRICT OF PUERTO RICO

IN RE: THE FINANCIAL OVERSIGHT  
MANAGEMENT BOARD FOR  
PUERTO RICO

as representative of THE  
COMMONWEALTH OF PUERTO  
RICO

DEBTOR

CASE NO. 17-BK- 3283-LTS

TITLE III

SUPPLEMENTAL MEMORANDUM OF LAW TO DOCKET 634 AND SECOND  
RECONSIDERATION TO DOCKETS 712,714

Comes Now, JAVIER MANDRY-MERCADO, pro se, and hereby requests that this Court take notice of the following:

This petitioner requests that this Court consider this motion for it to be considered in the opinion of this Court (Docket 712,714). Because pro se litigants cannot file electronically, I could not reply in a timely manner to Counsel's motion before this Court issued judgment to reconsideration.

At no point in Counsel Vicéns-Rivera's answer clarify how that her Notice of Appearance did not represent the Estate, or how this Court would have known that the represented those noted in Exhibit A, Docket 305. The majority does not comprise the entire ownership of the land that is affected by the state inverse condemnation claim. Doing so is one of the arguments used to violate my due process rights. The 'majority' argument defies the definition of *pro indiviso* community per Puerto Rican law which

requires the consent of the whole to perform anything that would affect the use and enjoyment of the land. It is incorrect to state that the majority is sufficient when the whole is required, as per state law. In light that there is an issue of clear established law for this issue, as per the Local Rules of this Court, *infra*.

Per the PR Bankruptcy Court Local Rule 9013-5(a) '*Responsibility for Proper Service re: Parties Entitled to Service*. "It is the responsibility of an attorney or party that files a document to determine every party with a cognizable interest in the document that should receive a copy and the current address of each. A certificate of service signed by an attorney, by an attorney's authorized agent, or by a party constitutes a representation to the court that all parties entitled to service have been included and have been properly served. Violation of this paragraph **shall be subject to appropriate sanctions.**"

Regarding the fact that I was indispensable and that I should have been notified, Counsel Vicens-Rivera as officer of the court, and per Local Rule 9013-5(a), *supra*, did not comply with her strict requirement; Although she claims it was not assertively concealed, I claim that he acted with scienter in the misrepresentation to this Court by representing a fictitious estate, not the individual co-owners, and by concealing the fact that her clients in Exhibit A did not equal one-hundred percent; This, as to prevent this Court from finding grounds *in sua sponte* to question her notice of appearance. Additionally, although I did not realize this previously, in her notice of appearance, she claimed to be representing the Estate of Pastor Mandry-Nones, who was my uncle. Only a select few of her clients (Exhibit A) are heirs of Pastor Mandry-Nones. I was not one of them, but her motions reflected that she represented the Estate of Pastor Mandry-Mercado, my grandfather. I was part of that estate, but again, not all her clients were heirs of Pastor Mandry-Mercado. Both estates were adjudicated, regardless, either would be

them, but her motions reflected that she represented the Estate of Pastor Mandry-Mercado, my grandfather. I was part of that estate, but again, not all her clients were heirs of Pastor Mandry-Mercado. Both estates were adjudicated, regardless, either would be equally erroneous. Most importantly, neither estate is a party to the state claim that was subjected to the automatic stay, case JAC2008-0853. This demonstrates that Counsel went beyond negligence by failing at her responsibility, as per Local Rule, *supra*, but also in her fraudulent misrepresentation to the Court. To not sanction her would be to allow others to misrepresent to the Court in the notice of appearance in the same fashion, and although the error may seem harmless, it is not. And although this is the first time for this Court, it is one time too many for me, who has been constantly attacked and with skill they manage to not be sanctioned. The Due Process Clause is intended to not allow 'the majority' from stepping on 'the minority' rights to a trial in the merits.

Counsel Vicens-Rivera, ¶4 answer, simply replied that I was incorrect regarding my motion ¶11. This is the typical answer that seeks to refuse to answer anything in the merits, but to substitute an answer with an *ad hominem* arguments regarding case 16-cv-2229 and a *post hoc*<sup>1</sup> argument regarding the order to hire an attorney. (Exhibit B). Interestingly, per Judge Garcia-Gregory, case 16-cv-2229 (Docket 684, Page 8, Answer Exhibit A) "*Plaintiff also puts forth, albeit in a confusing manner, allegations involving questionable professional conduct. Among the conflated disciplinary issues, Plaintiff alleges that attorneys have been acting in an unprofessional and sanctionable manner that may be subject to disbarment. Id. at 56. Plaintiff also alleges that the state court judge that is, or was, presiding over his inverse condemnation claim is biased, conspired against Plaintiff, and does not care about the law. Id. at 61, 29~30. The disciplinary*

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<sup>1</sup> The fact that I was ordered to hire an attorney does not prove or disprove my allegations of fraud. In fact, I would argue that that *ad hominem* arguments were used for purposes of extrinsic fraud.

*committee of the local bar, not this Court, should hear these issues.*” It would appear to me that Counsel Vicens-Rivera will be the new defendant in said case.

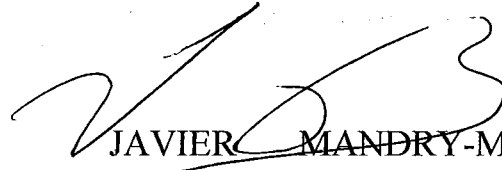
Also, Counsel Vicens-Rivera’s reply/answer does not change the fact that Court issued a judgment that affected the status of a state case, or that the notice of appearance of the attorney does not reflect one single person in the notice of appearance, other than the parties that she claimed she represented, issue which she clarified that fact in her post-judgment motion. For this petitioner, it is a typical answer to mean that she can do it, and “so what.”

Because Plaintiffs are co-owners of the same property in an aliquot share, although they can be called the majority in share, I make it a point to restate that it is **not a legal entity**; Without the 3.10%, there is no ownership over the entirety of the lots of land, nor can the majority consent for the minority. Because state courts do not recognize 14<sup>th</sup> Amendment rights as the federal courts do, they have come to a false realization that they can disrespect my constitutional rights. I claim that I have the due process rights that must be respected, and she did not comply with the Local Rule, per her own admission. Therefore, this petitioner requests to proceed with the sanction for failing to comply with the notice requirement to which she is assumed to have known.

Wherefore, this petitioner hereby requests this Court to consider the instant motion and the law referenced to the final determination (Docket 712, 714), and consider this motion as as supplement to request to vacate and other reliefs and/or as reply to Docket 684, and furthermore proceed to sanctions Counsel Vicens-Rivera as requested in motion to vacate in compliance with Local Rule, supra.

CERTIFICATE OF SERVICE: I hereby certify that on this same date I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system which will send notification of such filing to the Office of the United States Trustee and to the attorneys of record.

Dated: July 22, 2017



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